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*Just Play, LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUST PLAY, LLC,

*Plaintiff*

v.

A.S. PLASTIC TOYS CO., LTD., ALI FASHIONING  
TOY STORE, ALI-DREAM TOY STORE, ALI-JETTING  
TOY STORE, AMY & BENTON TOYS AND GIFTS CO.,  
LTD., BABY SHOPPING EMM STORE, BABY TOY  
CITY STORE, BABY'S CENTER STORE, BABY-TOY  
WORLD STORE, BALA BABY FIRST, BAOCHENYI  
STORE, BB2019 STORE, BEAUTY & ATTRACTION,  
BELIEVE-FLY TRADING (TOYS) CO., LTD.  
SHANTOU, BETTER SHOP, BETTER LIFE, BILIDI  
CO., LTD. STORE, BOXIANGWANJU STORE,  
BTGEDTL STORE, BUY IN HERE STORE, CHANGED  
STORE, CHAOZHOU BURTON FOODSTUFF CO.,  
LTD., CHAOZHOU CHAOAN HAPPINESS FOODS CO.,  
LTD., CHAOZHOU CHAOAN LARK TRADE CO., LTD.,  
CHERR TOY STORE, CHILD WONDERLAND STORE,  
CHILDREN'S GOODS STORE, COME ON 2015,  
CURIOUS&PROMISING BABY STORE, DALIAN  
HOLY TRADING CO., LTD., DONGGUAN BOWEN  
ELECTRONIC TECHNOLOGY LIMITED, DONGGUAN  
CITY YISEN PRECISION HARDWARE SPRING CO.,

**CIVIL ACTION NO.  
19-cv-9399 (ER)**

**[PROPOSED]  
FINAL DEFAULT  
JUDGMENT AND  
PERMANENT  
INJUNCTION ORDER**

LTD., ELEVEN 'S HOUSE, ENJOYING+UU STORE,  
 FAIRYTOY STORE, FRIENDSHIP HXX STORE,  
 FUNNY TOY STORE STORE, GJCUTE TOY STORE,  
 GOODGIRL STORE, GREAT INTERNATIONAL TOYS  
 LIMITED, GUANGDONG HERSHEY SPRING  
 INDUSTRIAL CO., LTD., GUANGDONG K.Y.F  
 TRADING CO., LTD., HABAO STORE, HANG WING  
 PLASTIC INDUSTRY CO., LTD., HAPPINESS CENTER  
 STORE, HAPPYDEAL STORE, HARBIN YUANLONG  
 IMPORT AND EXPORT TRADE CO., LTD., HEFEI SAI  
 BEI TE TRADING CO., LTD., HENGJUN PLASTIC  
 TOYS MANUFACTORY, HHSMILE STORE, HOW DO  
 YOU DO STORE, INNOCENCE PARADISE, JIANGXI  
 BOLAI PLASTIC INDUSTRY CO., LTD., JINJIANG  
 SUPERSTARER IMPORT & EXPORT CO., LTD.,  
 JINMING TOYS & CRAFTS IMP.& EXP. CO., LTD.,  
 KIDS PLAYING STORE, LEFT MAGIC TRICK STORE,  
 LEGE TRICK FACTORY STORE, LEORX PLAYTOY  
 STORE, LICHENG TECHNOLOGY (SHENZHEN) CO.,  
 LTD., LIJIA GAME PRODUCTION (JIANGSU) CO.,  
 LTD., LIKEIT STORE, LILIToy STORE, LITTLE  
 STARS MOTHER&BABY SUPPLIER STORE, LONG  
 SHENG TOY STORE, LONGYAN LANG LING HENG  
 CHUANG TRADING CO., LTD., LOVE LOVE  
 CHILDREN BABY STORE, LOVESONG STORE,  
 MAGICAL TRICKS STORE, MAKIKI STORE, MAMI'S  
 BABY STORE, MAYUSCULOS OJOS STORE,  
 MIDDLE, MILCEA GROBAL STORE, MINGO STORE,  
 MOMMY N BABY EVERY NICE DAY STORE,  
 MOTHER & CHILDREN CLOTHES STORE, MY BABY  
 GIRL STORE, NBJUSTIN STORE, NINGBO EMBODY  
 HOMEWARE CO., LTD., NINGBO GYL  
 INTERNATIONAL TRADING CO., LTD., NINGBO  
 HUAMAO INTERNATIONAL TRADING CO., LTD.,  
 NINGBO KELSUN INTL TRADE CO., LTD., NINGBO  
 LIJIA INDUSTRY CO., LTD., NINGBO SELLERS  
 UNION CO., LTD., NINGBO YINZHOU BOTE SPRING  
 ELECTRICAL EQUIPMENT FACTORY, NINGBO  
 ZHENRONG INTERNATIONAL TRADING CO., LTD.  
 (JUST IN), PREGNANT CHILD BABY ACCESSORIES  
 STORE, PUJIANG SONDER CRAFT CO., LTD.,  
 PURPLE STORE, SEE YOU AGAIN^\_^, SHANGHAI  
 WISDOM IMPORT AND EXPORT CO., LTD.,  
 SHANGHAI ZEBRAJOY GIFTS CO., LTD., SHANTOU  
 BORONG TOYS CO., LTD., SHANTOU CHENGHAI  
 BEIBEI TOYS, SHANTOU CHENGHAI BIG BAG TOYS

COMPANY LIMITED, SHANTOU CHENGHAI HAODA TOYS CO., LTD., SHANTOU CHENGHAI HENGYA TOYS CO., LTD., SHANTOU CHENGHAI HENGYING TOYS CO., LTD., SHANTOU CHENGHAI HUIKE TOYS FIRM, SHANTOU CHENGHAI KAISHENGLONG TOYS FACTORY, SHANTOU CHENGHAI MAYA TOYS FACTORY, SHANTOU CHENGHAI PENGCHENG TOY IND. CO., LTD., SHANTOU CHENGHAI SHUNFENG CRAFT FACTORY, SHANTOU CHENGHAI SWEET BABY TOYS FIRM, SHANTOU CHENGHAI YAKAI TOYS FACTORY, SHANTOU CHENGHAI YAXING PLASTIC AND METAL MANUFACTORY, SHANTOU CHENGHAI YUANSHEG TOYS INDUSTRY CO., LTD., SHANTOU CHENGHAI YUEQI TOYS FIRM, SHANTOU CHENGJI TOYS & GIFTS CO., LTD., SHANTOU CINDA TOYS CO., LTD., SHANTOU CITY BHX TOYS CO., LTD., SHANTOU CITY CHENGHAI XINBOOMING TOYS FACTORY, SHANTOU CYBER TOYS BUSINESS, SHANTOU EVER PROSPEROUS TRADING CO., LTD., SHANTOU GUANGBAI CRAFTS & TOYS CO., LIMITED, SHANTOU H&C TOYS & CRAFTS MANUFACTORY, SHANTOU HONGNA CANDY TOYS CO., LTD., SHANTOU JINYU TRADING CO., LTD., SHANTOU KUNYANG TRADING CO., LTD., SHANTOU LIHUI TOYS CO., LTD., SHANTOU LONGHU XUCHANG TOYS FIRM, SHANTOU LUCKY TOYS & GIFT FIRM, SHANTOU MEGAFUN TOYS INDUSTRIAL LTD., SHANTOU MEIHUI TOYS CO., LTD., SHANTOU MINGTONG TOYS INDUSTRIAL CO., LTD., SHANTOU RONGHEQIANG TRADE CO., LTD., SHANTOU RUNFENDDA TOYS FIRM, SHANTOU SOUTH TOYS FACTORY, SHANTOU SUNNY TOYS INDUSTRIAL CO., LTD., SHANTOU TIANYI TOYS INDUSTRIAL CO., LTD., SHANTOU XINLIANG TOYS FACTORY, SHANTOU YICHENG TOYS FACTORY, SHANTOU YINGXING TOYS COMPANY LIMITED, SHANTOU ZHILETIAN TOYS TRADING CO., LTD., SHAOXING JINLANGTE SPORTS GOODS CO., LTD., SHAOXING YAONE GIFTS CO., LTD., SHENZHEN CITY BOTREE TOYS FACTORY, SHENZHEN E-18TH TECHNOLOGY CO., LTD., SHENZHEN EDUCATIONAL EQUIPMENT CO LTD, SHENZHEN FOCALVALUE TECHNOLOGY CO., LTD., SHENZHEN GIFT JOINT PROMO CO., LTD., SHENZHEN JYC TECHNOLOGY LTD. (BEAUTY

CARE BRANCH), SHENZHEN SHENGMA  
HARDWARE SPRING CO., LTD., SHENZHEN WTYD  
TECHNOLOGY LIMITED, SHENZHEN X-WORLD  
TECHNOLOGY CO., LTD., SHGEZM TOY STORE,  
SHOP2784166 STORE, SHOP2919053 STORE,  
SHOP3851047 STORE, SHOP4558035 STORE,  
SICHUAN TRANMEC MACHINERY I/E CO., LTD.,  
SIMPLE HAPPY LIFE, SURPRISE GIFTS STORE,  
WANJU STORE, WENLING BESTONE COMMODITY  
FACTORY, WUXI OCEAN IMPORT AND EXPORT  
CO., LTD., XIAMEN MINE TRADING CO., LTD.,  
XINHENGXIN ELECTRONIC CO., LTD., Y&H TOY  
STORE, YIWU B&T CRAFTS & ARTS CO., LTD.,  
YIWU BAY IMPORT AND EXPORT CO., LTD., YIWU  
CHANGQING TOYS CO., LTD., YIWU CHU TAI ART  
& CRAFTS CO., LTD., YIWU CITY JO TOYS CO., LTD.,  
YIWU HECHENG IMPORT & EXPORT CO., LTD.,  
YIWU HUAGUDUO TOYS CO., LTD., YIWU JIANDU  
CRAFTS CO., LTD., YIWU LADSOUL GARMENT  
ACCESSORY CO., LTD., YIWU LINTAI IMPORT &  
EXPORT CO., LTD., YIWU PARTY UNION IMP & EXP  
CO., LTD., YIWU POWER IMPORT & EXPORT CO.,  
LTD., YIWU QIDA HOUSEHOLD ITEMS FACTORY,  
YIWU QUANFA IMPORT & EXPORT COMPANY  
LIMITED, YIWU SHINCOO ART & CRAFTS CO., LTD.,  
YUGUO BABY STORE, YUYAO XUEYOU TEACHING  
EQUIPMENT CO., LTD., ZELA STOREM, ZHANGPING  
TK TOYS AND GIFTS CO., LTD. and ZHEJIANG  
LISHENG SPRING CO., LTD.,

*Defendants*

**GLOSSARY**

<b><u>Term</u></b>	<b><u>Definition</u></b>	<b><u>Docket Entry Number</u></b>
<b>Plaintiff or Just Play</b>	Just Play, LLC	N/A
<b>Defendants</b>	A.S. Plastic Toys Co., Ltd., Ali Fashioning Toy Store, Ali-Dream Toy Store, Ali-Jetting Toy Store, Amy & Benton Toys And Gifts Co., Ltd., Baby SHopping emm Store, Baby Toy City Store, Baby's Center Store, Baby-Toy World Store, Bala Baby First, BaoChenYi Store, BB2019 Store, Beauty & Attraction, Believe-Fly Trading (Toys) Co., Ltd. Shantou, Better Shop, Better Life, Bilidi Co., Ltd. Store, boxiangwanju Store, BTGEDTL Store, Buy in here Store, Changed Store, Chaozhou Burton Foodstuff Co., Ltd., Chaozhou Chaoan Happiness Foods Co., Ltd., Chaozhou Chaoan Lark Trade Co., Ltd., Cherr Toy Store, Child Wonderland Store, Children's Goods Store, Come On 2015, Curious&Promising BABY Store, Dalian Holy Trading Co., Ltd., Dongguan Bowen Electronic Technology Limited, Dongguan City Yisen Precision Hardware Spring Co., Ltd., Eleven 's House, Enjoying+UU Store, FairyToy Store, Friendship hxx Store, Funny Toy Store Store, GJCUTE Toy Store, goodgirl Store, GREAT INTERNATIONAL TOYS LIMITED, Guangdong Hershey Spring Industrial Co., Ltd., Guangdong K.Y.F Trading Co., Ltd., Habao Store, Hang Wing Plastic Industry Co., Ltd., Happiness Center Store, happydeal Store, Harbin Yuanlong Import and Export Trade Co., Ltd., Hefei Sai Bei Te Trading Co., Ltd., Hengjun Plastic Toys Manufactory, hhsmile Store, How do you do Store, Innocence paradise, Jiangxi Bolai Plastic Industry Co., Ltd., Jinjiang Superstarer Import & Export Co., Ltd., Jinming Toys & Crafts Imp.& Exp. Co., Ltd., Kids Playing Store, left magic trick Store, Lege Trick Factory Store, Leorx PlayToy Store, Licheng Technology (Shenzhen) Co., Ltd., Lijia Game Production (Jiangsu) Co., Ltd., Likeit Store, LiliTOY Store, Little Stars Mother&Baby Supplier Store, LONG SHENG TOY Store, Longyan Lang Ling Heng Chuang Trading Co., Ltd., Love Love children baby store, LoveSong Store, magical tricks Store, Makiki Store, MAMI'S BABY Store, Mayusculos Ojos Store, Middle, Milcea Grobal Store,	N/A


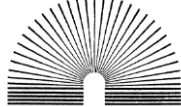
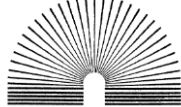
	<p> MINGO Store, Mommy n Baby Every nice day Store, Mother &amp; Children Clothes Store, My Baby Girl Store, nbjustin Store, Ningbo Embody Homeware Co., Ltd., Ningbo GYL International Trading Co., Ltd., Ningbo Huamao International Trading Co., Ltd., Ningbo Kelsun Intl Trade Co., Ltd., Ningbo Lijia Industry Co., Ltd., Ningbo Sellers Union Co., Ltd., Ningbo Yinzhou Bote Spring Electrical Equipment Factory, Ningbo ZhenRong International Trading Co., Ltd. (JUST IN), Pregnant Child Baby Accessories Store, Pujiang Sonder Craft Co., Ltd., Purple Store, See you Again^_^, Shanghai Wisdom Import And Export Co., Ltd., Shanghai Zebrajoy Gifts Co., Ltd., Shantou Borong Toys Co., Ltd., Shantou Chenghai Beibei Toys, Shantou Chenghai Big Bag Toys Company Limited, Shantou Chenghai Haoda Toys Co., Ltd., Shantou Chenghai Hengya Toys Co., Ltd., Shantou Chenghai Hengying Toys Co., Ltd., Shantou Chenghai Huike Toys Firm, Shantou Chenghai Kaishenglong Toys Factory, Shantou Chenghai Maya Toys Factory, Shantou Chenghai Pengcheng Toy Ind. Co., Ltd., Shantou Chenghai Shunfeng Craft Factory, Shantou Chenghai Sweet Baby Toys Firm, Shantou Chenghai Yakai Toys Factory, Shantou Chenghai Yaxing Plastic And Metal Manufactory, Shantou Chenghai Yuansheng Toys Industry Co., Ltd., Shantou Chenghai Yueqi Toys Firm, Shantou Chengji Toys &amp; Gifts Co., Ltd., Shantou Cinda Toys Co., Ltd., Shantou City BHX Toys Co., Ltd., Shantou City Chenghai Xinbooming Toys Factory, Shantou Cyber Toys Business, Shantou Ever Prosperous Trading Co., Ltd., Shantou Guangbai Crafts &amp; Toys Co., Limited, Shantou H&amp;C Toys &amp; Crafs Manufactory, Shantou Hongna Candy Toys Co., Ltd., Shantou Jinyu Trading Co., Ltd., Shantou Kunyang Trading Co., Ltd., Shantou Lihui Toys Co., Ltd., Shantou Longhu XuChang Toys Firm, Shantou Lucky Toys &amp; Gift Firm, Shantou Megafun Toys Industrial Ltd., Shantou Meihui Toys Co., Ltd., Shantou Mingtong Toys Industrial Co., Ltd., Shantou Rongheqiang Trade Co., Ltd., Shantou Runfendda Toys Firm, Shantou South Toys Factory, Shantou Sunny Toys Industrial Co., Ltd., Shantou Tianyi Toys Industrial Co., Ltd., Shantou Xinliang Toys Factory, Shantou Yicheng Toys Factory, Shantou Yingxing Toys Company Limited, Shantou Zhiletian Toys Trading Co., Ltd., </p>	
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	<p>Shaoxing Jinlangte Sports Goods Co., Ltd., Shaoxing Yaone Gifts Co., Ltd., Shenzhen City Botree Toys Factory, Shenzhen E-18th Technology Co., Ltd., shenzhen educational equipment co ltd, Shenzhen Focalvalue Technology Co., Ltd., Shenzhen Gift Joint Promo Co., Ltd., Shenzhen JYC Technology Ltd. (Beauty Care Branch), Shenzhen Shengma Hardware Spring Co., Ltd., Shenzhen WTYD Technology Limited, Shenzhen X-World Technology Co., Ltd., SHgeZm Toy Store, Shop2784166 Store, Shop2919053 Store, Shop3851047 Store, Shop4558035 Store, Sichuan Tranmec Machinery I/E Co., Ltd., Simple Happy Life, Surprise Gifts Store, wanju Store, Wenling Bestone Commodity Factory, Wuxi Ocean Import and Export Co., Ltd., Xiamen MINE Trading Co., Ltd., Xinhengxin Electronic Co., Ltd., Y&amp;H Toy Store, Yiwu B&amp;T Crafts &amp; Arts Co., Ltd., Yiwu Bay Import And Export Co., Ltd., Yiwu Changqing Toys Co., Ltd., Yiwu Chu Tai Art &amp; Crafts Co., Ltd., Yiwu City JO Toys Co., Ltd., Yiwu Hecheng Import &amp; Export Co., Ltd., Yiwu Huaguduo Toys Co., Ltd., Yiwu Jiandu Crafts Co., Ltd., Yiwu Ladsoul Garment Accessory Co., Ltd., Yiwu Lintai Import &amp; Export Co., Ltd., Yiwu Party Union Imp &amp; Exp Co., Ltd., Yiwu Power Import &amp; Export Co., Ltd., Yiwu Qida Household Items Factory, Yiwu Quanfa Import &amp; Export Company Limited, Yiwu Shincoo Art &amp; Crafts Co., Ltd., YUGUO baby Store, Yuyao Xueyou Teaching Equipment Co., Ltd., Zela Storem, Zhangping TK Toys And Gifts Co., Ltd. and Zhejiang Lisheng Spring Co., Ltd.</p>	
<b>Defaulting Defendants</b>	<p>Guangdong Hershey Spring Industrial Co., Ltd., Hengjun Plastic Toys Manufactory, Longyan Lang Ling Heng Chuang Trading Co., Ltd., Ningbo ZhenRong International Trading Co., Ltd. (JUST IN), Shantou Chenghai Hengya Toys Co., Ltd., Shantou Chenghai Kaishenglong Toys Factory, Shantou Chenghai Sweet Baby Toys Firm, Shantou Chenghai Yuansheng Toys Industry Co., Ltd., Shantou Chenghai Yueqi Toys Firm, Shantou City Chenghai Xinbooming Toys Factory, Shantou Kunyang Trading Co., Ltd., Shantou Longhu XuChang Toys Firm, Shantou Lucky Toys &amp; Gift Firm, Shantou South Toys Factory, Shantou Tianyi Toys Industrial Co., Ltd., Shenzhen Gift Joint Promo Co., Ltd. and Yiwu Power Import &amp; Export Co., Ltd.</p>	N/A

<b>Alibaba</b>	Alibaba.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York	N/A
<b>AliExpress</b>	Aliexpress.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York	N/A
<b>NAL</b>	New Alchemy Limited, a company that provides intellectual property infringement research services, to investigate and research manufacturers, wholesalers, retailers and/or other merchants offering for sale and/or selling counterfeit products on online marketplace platforms	N/A
<b>Sealing Order</b>	Order to Seal File entered on October 10, 2019	1
<b>Complaint</b>	Plaintiff's Complaint filed on October 10, 2019	5
<b>Application</b>	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i> ) and Defendants' Assets (as defined <i>infra</i> ) with the Financial Institutions (as defined <i>infra</i> ); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on October 10, 2019	11-14
<b>Conway Dec.</b>	Declaration of Laurie Conway in Support of Plaintiff's Application	13
<b>Arnaiz Dec.</b>	Declaration of Jessica Arnaiz in Support of Plaintiff's Application	12
<b>Scully Dec.</b>	Declaration of Brienne Scully in Support of Plaintiff's Application	14
<b>TRO</b>	1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on October 10, 2019	N/A
<b>PI Order</b>	January 3, 2019 Preliminary Injunction Order	29



<b>User Account(s)</b>	Any and all websites and any and all accounts with online marketplace platforms such as Alibaba and/or AliExpress, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
<b>Merchant Storefronts</b>	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
<b>Slinky Products</b>	A precompressed helical spring toy that can perform a number of tricks, which come in a variety of sizes colors and materials that can light up and make noise	N/A
<b>Slinky Marks</b>	<p>U.S. Trademark Registration Nos: 5,286,991 for “” for a variety of goods in Class 28;</p> <p> 2,402,881 for “” for a variety of goods in Class 28; and 1,455,493 for “SLINKY” for a variety of goods in Class 28</p>	N/A
<b>Counterfeit Products</b>	Products bearing or used in connection with the Slinky Marks, and/or products in packaging and/or containing labels and/or hang tags bearing the Slinky Marks, and/or bearing or used in connection with marks that are confusingly similar to the Slinky Marks and/or products that are identical or confusingly similar to the Slinky Products	N/A
<b>Defendants’ Assets</b>	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
<b>Defendants’ Financial Accounts</b>	Any and all financial accounts associated with or utilized by any Defendants or any Defendants’ User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)	N/A
<b>Financial Institutions</b>	Any banks, financial institutions, credit card companies and payment processing agencies, such as	N/A

	PayPal Inc. (“PayPal”), Payoneer Inc. (“Payoneer”), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group), PingPong Global Solutions, Inc. (“PingPong”) and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants	
<b>Third Party Service Providers</b>	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Alibaba and/or AliExpress, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
<b>Plaintiff’s Motion for Default Judgment</b>	Plaintiff’s Application for an Order to Show Cause Why Default Judgment and a Permanent Injunction should not be entered Against Defaulting Defendants filed on September 26, 2024	TBD
<b>Nastasi Aff.</b>	Affidavit by Gabriela N. Nastasi in Support of Plaintiff’s Motion for Default Judgment	TBD

This matter comes before the Court by motion filed by Plaintiff for the entry of final judgment and permanent injunction by default against Defaulting Defendants for Defaulting Defendants' trademark infringement, trademark counterfeiting, false designation of origin, passing off and unfair competition and related state and common law claims arising out of Defaulting Defendants' unauthorized use of Plaintiff's Slinky Marks, without limitation, in their manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying or offering for sale and/or selling and/or sale of Counterfeit Products.<sup>1</sup>

The Court, having considered the Memorandum of Law and Affidavit of Gabriela N. Nastasi in support of Plaintiff's Motion for Default Judgment, the Certificate of Service of the Summons and Complaint, the Certificate of the Clerk of the Court stating that no answer has been filed in the instant action, and upon all other pleadings and papers on file in this action, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**I. Defaulting Defendants' Liability**

- 1) ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of Plaintiff as to the first and second causes of action pleaded in the Complaint (trademark counterfeiting and trademark infringement);

**II. Damages Awards**

- 1) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that because it would serve both the compensatory and punitive purposes of the Lanham Act's prohibitions on willful infringement, and because Plaintiff has sufficiently set forth the basis for the statutory damages award requested in its Motion for Default Judgment, the Court finds such an award to be reasonable and Plaintiff is awarded Fifty Thousand U.S. Dollars (\$50,000.00) in statutory

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<sup>1</sup> Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

damages (“Individual Damages Award”) against each of the seventeen (17) Defaulting Defendants pursuant to Section 15 U.S.C. § 1117(c) of the Lanham Act, plus post-judgment interest.

### **III. Permanent Injunction**

1) IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defaulting Defendants, their respective officers, agents, servants, employees, successors and assigns and all persons acting in concert with or under the direction of Defaulting Defendants (regardless of whether located in the United States or abroad), who receive actual notice of this Order are permanently enjoined and restrained from:

- A. manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products or any other products bearing one or more of the Slinky Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting and/or infringement of the Slinky Marks;
- B. directly or indirectly infringing in any manner any of Plaintiff’s Slinky Marks;
- C. using any reproduction, counterfeit, copy or colorable imitation of Plaintiff’s Slinky Marks to identify any goods or services not authorized by Plaintiff;
- D. using any of Plaintiff’s Slinky Marks, or any other marks that are confusingly similar to the Slinky Marks on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in the Counterfeit Products;
- E. using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product

- manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defaulting Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defaulting Defendants and Defaulting Defendants' commercial activities by Plaintiff;
- F. secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products; (ii) any computer files, data, business records, documents or any other records or evidence relating to:
- i. Defaulting Defendants' User Accounts and/or Merchant Storefronts;
  - ii. Defaulting Defendants' Assets; and
  - iii. the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products by Defaulting Defendants and by their respective officers, employees, agents, servants and all persons in active concert or participation with any of them; and
- G. effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Accounts, Merchant Storefronts or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order.

- 2) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants must deliver up for destruction to Plaintiff any and all Counterfeit Products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of Defaulting Defendants that infringe any of Plaintiff's

trademarks, copyrights or other rights including, without limitation, the Slinky Marks, or bear any marks that are confusingly similar to the Slinky Marks pursuant to 15 U.S.C. § 1118;

3) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defaulting Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers and Financial Institutions who satisfy those requirements and are identified in this Order, are permanently enjoined and restrained from:

- A. secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defaulting Defendants' Frozen Assets from or to Defaulting Defendants' Financial Accounts;
- B. secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defaulting Defendants' Assets and Defaulting Defendants' Financial Accounts; and
- C. knowingly instructing, aiding or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs III(1)(A) through III(2) and III(3)(A)-(B) above through III(4)(A) below.

4) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including the Third Party Service Providers who satisfy those requirements, are permanently enjoined and restrained from:

- A. providing services to Defaulting Defendants, Defaulting Defendants' User Accounts and Merchant Storefronts, including, without limitation, continued operation of Defaulting Defendants' User Accounts and Merchant Storefronts; and



B. knowingly instructing, aiding or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs III(1)(A) through III(2) and III(3)(A)-(B) above through III(4)(A) above.

**IV. Dissolution of Rule 62(a) Stay**

- 1) IT IS FURTHER ORDERED, as sufficient cause has been shown, the 30 day automatic stay on enforcing Plaintiff's judgment, pursuant to Fed. R. Civ. Pro. 62(a) is hereby dissolved.

**V. Miscellaneous Relief**

- 1) Defaulting Defendants may, upon proper showing and two (2) business days written notice to the Court and Plaintiff's counsel, appear and move for dissolution or modification of the provisions of this Order;
- 2) Any failure by Defaulting Defendants to comply with the terms of this Order shall be deemed contempt of Court, subjecting Defaulting Defendants to contempt remedies to be determined by the Court, including fines and seizure of property;
- 3) The Court releases the Five Thousand U.S. Dollar (\$5,000.00) security bond that Plaintiff submitted in connection with this action to counsel for Plaintiff, Epstein Drangel, LLP, 60 East 42<sup>nd</sup> Street, Suite 1250, New York, NY 10165; and
- 4) This Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

**SO ORDERED.**

SIGNED this 30 day of October, 2024, at 11:03 a .m.



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HON. EDGARDO RAMOS  
UNITED STATES DISTRICT JUDGE